



Sarah W. Bailiff
Senior General Attorney

BNSF Railway Company
P.O. Box 961039
Fort Worth, TX 76161-0039

2500 Lou Menk Drive, Third Floor
Fort Worth, TX 76131

Tel: 817-352-2354
Fax: 817-352-2397
E-mail: sarah.bailiff@bnsf.com

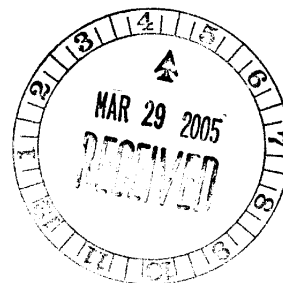
VIA OVERNIGHT MAIL

March 28, 2005

ENTERED
Office of Proceedings

MAR 29 2005

Part of
Public Record



The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

**Re: STB Finance Docket No. 34667; BNSF – Acquisition and Operation –
State of South Dakota**

Dear Secretary Williams:

Enclosed are an original and ten copies of my “Affidavit of Publication Pursuant to 49 C.F.R. §1150.10(f)” regarding the above-referenced matter. Attached to my affidavit is a copy of the summary of BNSF’s February 18, 2005 filing with the Surface Transportation Board of a Railroad Application to Acquire and Operate Certain Rail Lines in South Dakota and Iowa. The summary was published in a newspaper of general circulation in each of the counties in which the rail lines subject to this transaction are located, pursuant to the requirements of 49 C.F.R. §1150.10(f). Attached are copies of affidavits of publication for your reference.

If you have any questions, please call me at (817) 352-2354.

Sincerely,


Sarah Bailiff

SWB/js

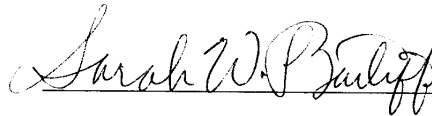
Enclosure

cc: Parties of Record
Adrian Steel

**AFFIDAVIT OF PUBLICATION
PURSUANT TO 49 C.F.R. §1150.10(f)**

I, Sarah W. Bailiff, Senior General Attorney for BNSF Railway Company, do hereby certify that I caused to be published the attached summary of the February 18, 2005 filing by BNSF Railway Company with the Surface Transportation Board of a Railroad Application to Acquire and Operate Certain Rail Lines in South Dakota and Iowa in STB Finance Docket No. 34667 ("Application") in a newspaper of general circulation in each of the counties in which the rail lines subject to this transaction are located. This Affidavit of Publication is made in compliance with the requirements of 49 C.F.R. 1150.10(f). I hereby certify that I am qualified and authorized to file this Affidavit of Publication.

The foregoing is true and correct to the best of my knowledge, information, and belief.

A handwritten signature in cursive script that reads "Sarah W. Bailiff".

Sarah W. Bailiff, Esq.

Dated this 28th day of March, 2005.

**SURFACE TRANSPORTATION BOARD
FINANCE DOCKET NO. 34667**

RAIL CARRIER: BNSF Railway Company
AGENCY: Surface Transportation Board
ACTION: Notice of Filing of a Railroad Application to Acquire and Operate Certain
Rail Lines in South Dakota and Iowa

SUMMARY: BNSF Railway Company ("BNSF") has filed an application with the Surface Transportation Board seeking authority to acquire and operate certain railroad lines owned by the State of South Dakota ("State") as described in a July 10, 1986 Operating Agreement between BNSF's predecessor and the State. These lines include principally the lines from Milepost 777.0 near Aberdeen, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 518.9 near Sioux City, Iowa to Milepost 649.7 near Mitchell, South Dakota; from Milepost 293.1 near Canton, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 74.1 to Milepost 68.8 in Sioux Falls, South Dakota; from Milepost 68.8 near Sioux Falls, South Dakota to Milepost 49.4 near Canton, South Dakota; and from Milepost 511.9 to Milepost 518.9 in Sioux City, Iowa.

Any interested person may file written comments and evidence on the application with the Surface Transportation Board. Written comments and evidence are due on March 11, 2005, and comments should indicate the proceeding, STB Finance Docket No. 34667, and should be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. The original and ten copies of all comments and evidence shall be filed with the Board. A copy of each comment and evidence shall also be

served upon BNSF's representatives: Adrian L. Steel, Jr., Esq., Mayer, Brown, Rowe & Maw LLP, 1909 K Street, NW, Washington, DC 20006, (202) 263-3237, FAX number (202) 263-5237; and Sarah W. Bailiff, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131, (817) 352-2354, FAX number (817) 352-2397.

A copy of the application is available for public inspection at the offices of the Surface Transportation Board and the applicant, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131.

Dated: February 18, 2005

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

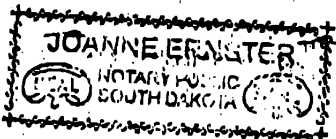
County of Hanson) SSI, Terry Janssen

certify that the attached printed Notice was taken

from the Emery Enterpriseprinted and published in EmeryCounty of Hanson and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

2-24-05Cost of Printing \$34.40[Signature]
(Signature)Publisher
(Title)3-24-05 Joanne Ernster
(Date Signed)Exp 8-16-06

... you will be better off for the effort.

PUBLIC NOTICES

SURFACE
TRANSPORTATION BOARD
FINANCE
DOCKET NO.
34667RAIL CARRIER:
BNSF Railway Company
AGENCY: Surface Transportation Board ACTION: Notice of Filing of a Railroad Application to Acquire and Operate Certain Rail Lines in South Dakota and Iowa

SUMMARY: BNSF Railway Company ("BNSF") has filed an application with the Surface Transportation Board seeking authority to acquire and operate certain railroad lines owned by the State of South Dakota ("State") as described in a July 10, 1986 Operating Agreement between BNSF's predecessor and the State. These lines include principally the lines from Milepost 777.0 near Aberdeen, South Dakota to Milepost 650.8 near Mitchell, South Dakota; from Milepost 518.9 near Sioux City, Iowa to Milepost 649.7 near Mitchell, South Dakota; from Milepost 293.1 near Canton, South Dakota to Milepost 650.8 near Mitchell, South Dakota; from Milepost 74.1 to Milepost 68.8 in Sioux Falls, South Dakota; from Milepost 68.8

near Sioux Falls, South Dakota to Milepost 49.4 near Canton, South Dakota; and from Milepost 511.9 to Milepost 518.9 in Sioux City, Iowa.

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A copy of the application is available for public inspection at the offices of the Surface Transportation Board and the applicant, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131.

Dated: February 18, 2005

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA

) SS

County of Hansonby Terry Janssen

certify that the attached printed Notice was taken

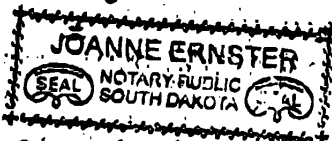
from the Alexandria Heraldprinted and published in AlexandriaCounty of Hanson and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

2-24-05

Cost of Printing

\$34.40Terry Janssen
(Signature)Publisher
(Title)3-24-05 Joanne Ernster
(Date Signed)Exp 8-16-06

... you will be better off for
the effort.

PUBLIC NOTICES

**SURFACE
TRANSPORTA-
TION BOARD
FINANCE
DOCKET NO.
34667**

RAIL CARRIER:

BNSF Railway Company
AGENCY: Surface Transportation
Board ACTION: Notice of Filing of a Railroad Appli-
cation to Acquire and Operate
Certain Rail Lines in South Da-
kota and Iowa

SUMMARY: BNSF Railway
Company ("BNSF") has filed an
application with the Surface
Transportation Board seeking au-
thority to acquire and operate cer-
tain railroad lines owned by the
State of South Dakota ("State") as
described in a July 10, 1986 Op-
erating Agreement between
BNSF's predecessor and the
State. These lines include princi-
pally the lines from Milepost 777.0
near Aberdeen, South Dakota to
Milepost 650.6 near Mitchell,
South Dakota; from Milepost
518.9 near Sioux City, Iowa to
Milepost 649.7 near Mitchell,
South Dakota; from Milepost
293.1 near Canton, South Dakota
to Milepost 650.6 near Mitchell,
South Dakota; from Milepost 74.1
to Milepost 68.6 in Sioux Falls,
South Dakota; from Milepost 68.6

near Sioux Falls, South Dakota to
Milepost 49.4 near Canton, South
Dakota; and from Milepost 511.9
to Milepost 518.9 in Sioux City,
Iowa.

Any interested person may file
written comments and evidence
on the application with the Sur-
face Transportation Board. Writ-
ten comments and evidence are
due on March 11, 2005, and com-
ments should indicate the pro-
ceeding, STB Finance Docket No.
34667, and should be filed with
the Surface Transportation Board,
Office of the Secretary, Case Con-
trol Unit, 1925 K Street, N.W.,
Washington, DC 20423-0001.
The original and ten copies of all
comments and evidence shall be
filed with the Board. A copy of
each comment and evidence shall
also be served upon BNSF's rep-
resentatives: Adrian L. Steel, Jr.,
Esq., Mayer, Brown, Rowe & Maw
LLP, 1909 K Street, NW, Wash-
ington, DC 20006, (202) 263-
3237, FAX number (202) 263-
5237; and Sarah W. Baillif, BNSF
Railway Company, 2500 Lou
Menk Drive, Fort Worth, TX
76131, (817) 352-2354, FAX
number (817) 352-2397.

A copy of the application is
available for public inspection at
the offices of the Surface Trans-
portation Board and the applicant,
BNSF Railway Company, 2500
Lou Menk Drive, Fort Worth, TX
76131.

Dated: February 18, 2005

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA
COUNTY OF HUTCHINSON

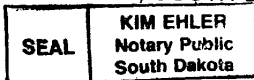
SCOTT E. EHLE, BEING DULY SHORN,
SAYS: THAT THE TRIPP STAR LEDGER
IS, AND DURING ALL THE TIME HERE-
INAFTER MENTIONED WAS, A WEEKLY
LEGAL NEWSPAPER AS DEFINED IN SDCL
17-2-2, AS AMENDED, PUBLISHED AT
PARKSTON, HUTCHINSON COUNTY,
SOUTH DAKOTA BY THE PARKSTON
ADVANCE, INC.; THAT AFFIANT IS
AND DURING ALL OF SAID TIMES WAS,
AN EMPLOYEE OF THE PUBLISHER OF
SUCH NEWSPAPER AND HAS PERSONAL
KNOWLEDGE OF THE FACTS STATED IN
THIS AFFIDAVIT; THAT THE NOTICE,
ORDER OR ADVERTISEMENT, A PRINTED
COPY OF WHICH IS ATTACHED, WAS
PUBLISHED IN SAID NEWSPAPER FOR
1 SUCCESSIVE ISSUES, BEARING THE
FOLLOWING DATES:

FEBRUARY 23, 2005

THAT THE FULL AMOUNT OF THE FEE
CHARGED FOR PUBLISHING THE SAME,
TO-WIT, THE SUM OF \$23.76,
INURES SOLELY TO THE BENEFIT OF
THE PUBLISHER OF SAID NEWSPAPER;
THAT NO AGREEMENT OR UNDERSTAND-
ING FOR THE DIVISION OF THE FEE
HAS BEEN MADE WITH ANY PERSON,
AND THAT NO PART OF THE FEE HAS
BEEN AGREED TO BE PAID TO ANY
OTHER PERSON.

SUBSCRIBED AND SWORN TO BEFORE
ME THIS 23RD DAY OF FEBRUARY
A.D., 2005

Kim Ehler
NOTARY PUBLIC, COUNTY OF
HUTCHINSON, SOUTH DAKOTA



MY COMMISSION EXPIRES
JANUARY 12, 2010

**SURFACE TRANSPORTATION
BOARD**

FINANCE DOCKET NO. 34667

**RAIL CARRIER: BNSF Railway
Company**

**AGENCY: Surface Transportation
Board**

**ACTION: Notice of Filing of a
Railroad Application to Acquire and
Operate Certain Rail Lines in South
Dakota and Iowa**

**SUMMARY: BNSF Railway Com-
pany ("BNSF") has filed an applica-
tion with the Surface Transportation
Board seeking authority to acquire
and operate certain railroad lines
owned by the State of South Dakota
("State") as described in a July 10,
1986 Operating Agreement between
BNSF's predecessor and the State.
These lines include principally the
lines from Milepost 777.0 near Aber-
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near Mitchell, South Dakota; from
Milepost 518.9 near Sioux City, Iowa
to Milepost 649.7 near Mitchell, South
Dakota; from Milepost 293.1 near Can-
ton, South Dakota to Milepost 650.6
near Mitchell, South Dakota; from
Milepost 74.1 to Milepost 68.8 in Sioux
Falls, South Dakota; from Milepost
68.8 near Sioux Falls, South Dakota
to Milepost 49.4 near Canton, South
Dakota; and from Milepost 511.9 to
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**Any interested person may file writ-
ten comments and evidence on the
application with the Surface Trans-
portation Board. Written comments
and evidence are due on March 11,
2005, and comments should indicate
the proceeding, STB Finance Docket
No. 34667, and should be filed with
the Surface Transportation Board,
Office of the Secretary, Case Control
Unit, 1925 K Street, N.W., Washington,
DC 20423-0001. The original and ten**

**of each comment and evidence shall
also be served upon BNSF's repre-
sentatives: Adrian L. Steel, Jr., Esq.,
Mayer, Brown, Rowe & Maw LLP, 1909
K Street, NW, Washington, DC 20006,
(202) 263-3237, FAX number (202) 263-
5237; and Sarah W. Bailiff, BNSF Rail-
way Company, 2500 Lou Menk Drive,
Fort Worth, TX 76131, (817) 352-2354,
FAX number (817) 352-2397.**

**A copy of the application is avail-
able for public inspection at the of-
fices of the Surface Transportation
Board and the applicant, BNSF Rail-
way Company, 2500 Lou Menk Drive,
Fort Worth, TX 76131.**

Dated: February 18, 2005

8Ac
SNAXLP

Affidavit of Publication

STATE OF SOUTH DAKOTA)
COUNTY OF TURNER) ss.

Matt Anderson of the City of Marion,
County of Turner, State of South Dakota, being first duly sworn on oath,
deposes and says:

The Marion Record is a weekly legal newspaper of general circulation, printed and published in the City of Marion, in said Turner County, by The Marion Record, Matt Anderson publisher, and has been such a legal newspaper during the times hereinafter mentioned; that the said newspaper has been in existence as such legal newspaper for more than one year prior to the publication of the notice hereunto attached, and has during all of said time had, and now has, more than 200 bona fide subscribers; that the undersigned, the affiant, is the publisher of said newspaper, in charge of the advertising department thereof and has personal knowledge of all the facts

in this affidavit and the advertisement headed Surface

Transportation Board Finance Docket

No. 34667

a printed copy of which is hereunto attached, was printed and published in

the said newspaper for 1 successive weeks, once each week and on the same day of the week, on the following dates, to-wit:

On Thursday, the 3rd day of March, 2005;

On Thursday, the _____ day of _____, 2005;

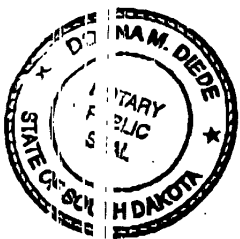
On Thursday, the _____ day of _____, 2005;

On Thursday, the _____ day of _____, 2005;

On Thursday, the _____ day of _____, 2005;

On Thursday, the _____ day of _____, 2005.

That \$ 24.35 being the full amount of the fees for publication of the attached notice insures solely for the benefit of the publishers of the said newspaper; that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.



Subscribed and sworn to before me this 11th
day of March, 2005.

Donna M. Diehl
Notary Public, South Dakota.

My commission expires 2-2-2010

SURFACE TRANSPORTATION BOARD FINANCE DOCKET NO. 34667

RAIL CARRIER: BNSF Railway Company
AGENCY: Surface Transportation Board

ACTION: Notice of Filing of a Railroad Application to Acquire and Operate Certain Rail Lines in South Dakota and Iowa

SUMMARY: BNSF Railway Company ("BNSF") has filed an application with the Surface Transportation Board seeking authority to acquire and operate certain railroad lines owned by the State of South Dakota ("State") as described in a July 10, 1986 Operating Agreement between BNSF's predecessor and the State. These lines include principally the lines from Milepost 777.0 near Aberdeen, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 518.9 near Sioux City, Iowa to Milepost 649.7 near Mitchell, South Dakota; from Milepost 293.1 near Canton, South Dakota to Milepost 550.6 near Mitchell, South Dakota; from Milepost 74.1 to Milepost 68.8 in Sioux Falls, South Dakota; from Milepost 68.8 near Sioux Falls, South Dakota to Milepost 49.4 near Canton, South Dakota; and from Milepost 511.9 to Milepost 518.9 to Sioux City, Iowa.

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A copy of the application is available for public inspection at the offices of the Surface Transportation Board and the applicant, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131.
Dated: February 18, 2005 3/11c

AFFIDAVIT OF PUBLICATION
THE OBSERVER

~~Yankton County Auditor~~
~~PO Box 137~~
~~Yankton, SD 57078~~

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

BNSF Railway Co
2500 Lou Menick Dr.
Ft. Worth, Texas
76131-2828

DAVID BAUMEISTER BEING FIRST DULY SWORN ON OATH DEPOSES AND SAYS THAT HE IS THE PUBLISHER OF THE OBSERVER, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE OBSERVER, A LEGAL WEEKLY NEWSPAPER PRINTED AND PUBLISHED IN THE CITY OF YANKTON, SAID COUNTY AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED

Yankton County

TAKEN FROM THE PAPER IN WHICH IT WAS PUBLISHED IN THE NEWSPAPER ON THE 4th DAY OF March, 2004. THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION OF SAID Docket No. 34867 TO WIT 18.82 ENSURES TO THE BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: _____

SECOND RUN: _____

THIRD RUN: _____

FOURTH RUN: _____

FILED ON: _____


PUBLISHER

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____

NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES _____

H 4, 2005

3/4/05

AFFIDAVIT OF PUBLICATION
THE OBSERVER

~~Yankton County Auditor~~
~~PO Box 137~~
~~Yankton, SD 57078~~

BNSF Railway Co
2500 Lou Menk Dr.
Ft. Worth, Texas
76131-2828

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

DAVID BAUMEISTER BEING FIRST DULY SWORN ON OATH DEPOSES AND SAYS THAT HE IS THE PUBLISHER OF THE OBSERVER, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE OBSERVER, A LEGAL WEEKLY NEWSPAPER PRINTED AND PUBLISHED IN THE CITY OF YANKTON, SOUTH DAKOTA, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID COUNTY AND STATE, AND THAT THE FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED

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PUBLICATION OF SAID Docket No. 34667 TO WIT 18.8
TO THE BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO AGREEMENT
UNDERSTANDING FOR THE DIVISION THEREOF HAS BEEN MADE WITH ANY OTHER PERSON
THAT NO PART THEREOF HAS BEEN AGREED TO BE PAID TO ANY PERSON WHO

PUBLISHED ON: _____

SECOND RUN: _____

THIRD RUN: _____

FOURTH RUN: _____

FILED ON: _____

PUBLISHER

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____

NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES _____

UBLI
Public Notice Ad

**SURFACE TRANSPORTATION BOARD FINANCE
DOCKET NO. 34667**

RAIL CARRIER: BNSF Railway Company.

AGENCY: Surface Transportation Board.

ACTION: Notice of Filing of a Railroad Application to Acquire and Operate Certain Rail Lines in South Dakota and Iowa.

SUMMARY: BNSF Railway Company ("BNSF") has filed an application with the Surface Transportation Board seeking authority to acquire and operate certain railroad lines owned by the State of South Dakota ("State") as described in a July 10, 1986 Operating Agreement between BNSF's predecessor and the State. These lines include principally the lines from Milepost 777.0 near Aberdeen, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 518.9 near Sioux City, Iowa to Milepost 649.7 near Mitchell, South Dakota; from Milepost 293.1 near Canton, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 74.1 to Milepost 68.8 in Sioux Falls, South Dakota; from Milepost 68.8 near Sioux Falls, South Dakota to Milepost 49.4 near Canton, South Dakota; and from Milepost 511.9 to Milepost 518.9 in Sioux City, Iowa.

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A copy of the application is available for public inspection at the offices of the Surface Transportation Board and the applicant, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131.

Dated: February 18, 2005

Two Rivers Times

North Sioux City, SD 57049

PROOF OF PUBLICATION

State of South Dakota, County of Union, ss.

Daryl Thul

being duly sworn, deposes and says that he is the

Publisher

of the Two Rivers Times, a legal newspaper published in North Sioux City, Union County and that the attached legal notice was published therein on:

2/23/5

and further says he has knowledge of the publication of this notice(s).

PUBLICATION FEE: \$11.52

signed

Subscribed and sworn to me this
4th day of Mar, 2005

signed

My commission expires

8-1-2009

SURFACE TRANSPORTATION BOARD FINANCE DOCKET NO. 34667

RAIL CARRIER: BNSF Railway Company
AGENCY: Surface Transportation Board
ACTION: Notice of Filing of a Railroad Application to Acquire and Operate Certain Rail Lines in South Dakota and Iowa

SUMMARY: BNSF Railway Company ("BNSF") has filed an application with the Surface Transportation Board seeking authority to acquire and operate certain railroad lines owned by the State of South Dakota ("State") as described in a July 10, 1986 Operating Agreement between BNSF's predecessor and the State. These lines include principally the lines from Milepost 777.0 near Aberdeen, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 518.9 near Sioux City, Iowa to Milepost 649.7 near Mitchell, South Dakota; from Milepost 293.1 near Canton, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 74.1 to Milepost 68.8 in Sioux Falls, South Dakota; from Milepost 68.8 near Sioux Falls, South Dakota to Milepost 49.4 near Canton, South Dakota; and from Milepost 511.9 to Milepost 518.9 in Sioux City, Iowa.

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A copy of the application is available for public inspection at the offices of the Surface Transportation Board and the applicant, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131.

Dated: February 18, 2005

Published:
February 23, 2005

AFFIDAVIT OF PUBLICATION

State of South Dakota, County of Clay, ss.

Penny Tucker

Being first duly sworn, deposes and says: That he/she is a resident of the County of Clay and State of South Dakota; that

THE PLAIN TALK

is a legal newspaper of general circulation, printed and published in Vermillion, in said County and State, by Broadcaster Press, Inc., and is now and has been such newspaper continuously during all the times hereinafter mentioned; that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit: and that the notice and advertisement headed:

SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 34667

a printed copy of which is hereunto attached and made a part hereof, was printed and published in the said newspaper at least once in each week

for 1 successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two-hundred paid copies weekly, and had been published in the said county of Clay for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of Vermillion, the said place of publication; that the first publication of said notice in said newspaper as aforesaid

was on Friday, the 4th day of March 20 05, and that the succeeding publications were severally

on Friday, the _____ day of _____, 20 _____,

on Friday, the _____ day of _____, 20 _____,

on Friday, the _____ day of _____, 20 _____,

on Friday, the _____ day of _____, 20 _____,

that the fees charged for the printing and publication of the said notice and advertisement in said newspaper as aforesaid were

Twenty-one dollars and 84 cents

and that said fees for the printing and publishing of said notice and advertisement have been fully paid; that the full amount of the fee charged for the publishing of the said attached annexed notice and advertisement inures to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Penny Tucker

Subscribed and sworn to before me

this 4th day of March, 2005

Joan E. Wilcox

My Commission Expires
April 17, 2005

Notary Public

SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 34667

RAIL CARRIER: BNSF Railway Company
AGENCY: Surface Transportation Board

ACTION: Notice of Filing of a Railroad Application to Acquire and Operate Certain Rail Lines in South Dakota and Iowa

SUMMARY: BNSF Railway Company ("BNSF") has filed an application with the Surface Transportation Board seeking authority to acquire and operate certain railroad lines owned by the State of South Dakota ("State") as described in a July 10, 1986 Operating Agreement between BNSF's predecessor and the State. These lines include principally the lines from Milepost 777.0 near Aberdeen, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 518.9 near Sioux City, Iowa to Milepost 649.7 near Mitchell, South Dakota; from Milepost 293.1 near Canton, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 74.1 to Milepost 68.8 in Sioux Falls, South Dakota; from Milepost 68.8 near Sioux Falls, South Dakota to Milepost 49.4 near Canton, South Dakota; and from Milepost 511.9 to Milepost 518.9 in Sioux City, Iowa.

Any interested person may file written comments and evidence on the application with the Surface Transportation Board. Written comments and evidence are due on March 11, 2005, and comments should indicate the proceeding, STB Finance Docket No. 34667, and should be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. The original and ten copies of all comments and evidence shall be filed with the Board. A copy of each comment and evidence shall also be served upon BNSF's representatives: Adrian L. Steel, Jr., Esq., Mayer, Brown, Rowe & Maw LLP, 1909 K Street, NW, Washington, DC 20006, (202) 263-3237, FAX number (202) 263-5237; and Sarah W. Bailiff, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131, (817) 352-2354, FAX number (817) 352-2397.

A copy of the application is available for public inspection at the offices of the Surface Transportation Board and the applicant, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131.

Dated: February 18, 2005
Publish: March 4, 2005

MAR 10 2005

FORT WORTH

**SURFACE
TRANSPORTATION
BOARD
FINANCE DOCKET
NO. 34667
RAIL CARRIER: BNSF
Railway Company
AGENCY: Surface
Transportation Board
ACTION: Notice of Filing
of a Railroad Application to
Acquire and Operate
Certain Rail Lines in South
Dakota and Iowa**

SUMMARY: BNSF
Railway Company
("BNSF") has filed an
application with the
Surface Transportation
Board seeking authority to
acquire and operate
certain railroad lines
owned by the State of
South Dakota ("State") as
described in a July 10,
1986 Operating Agree-
ment between BNSF's
predecessor and the
State. These lines include
principally the lines from
Milepost 777.0 near
Aberdeen, South Dakota
to Milepost 650.6 near
Mitchell, South Dakota;
from Milepost 518.9 near
Sioux City, Iowa to
Milepost 649.7 near
Mitchell, South Dakota;
from Milepost 293.1 near
Canton, South Dakota to
Milepost 650.6 near
Mitchell, South Dakota;
from Milepost 74.1 to
Milepost 68.8 in Sioux
Falls, South Dakota; from
Milepost 68.8 near Sioux
Falls, South Dakota to
Milepost 49.4 near
Canton, South Dakota;
and from Milepost 511.9 to
Milepost 518.9 in Sioux
City, Iowa.

Any interested person
may file written comments
and evidence on the
application with the
Surface Transportation
Board. Written comments
and evidence are due on
March 11, 2005, and
comments should indicate
the proceeding, STB
Finance Docket No.
34667, and should be filed
with the Surface
Transportation Board,
Office of the Secretary,
Case Control Unit, 1925 K
Street, N.W., Washington,
DC 20423-0001. The
original and ten copies of
all comments and
evidence shall be filed with
the Board. A copy of each
comment and evidence
shall also be served upon
BNSF's representatives:
Adrian L. Steel, Jr., Esq.,
Mayer, Brown, Rowe &
Maw LLP, 1909 K Street,
N.W., Washington, DC
20006, (202) 263-3237.
FAX number (202) 263-
5237; and Sarah W. Bailiff,
BNSF Railway Company,
2500 Lou Menk Drive, Fort
Worth, TX 76131, (817)
352-2354, FAX number
(817) 352-2397.

A copy of the application
is available for public
inspection at the offices of
the Surface Transportation
Board and the applicant,
BNSF Railway Company,
2500 Lou Menk Drive, Fort
Worth, TX 76131.
Dated: February 18,
2005

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF DAVISON)

Noel Hamiel of said county, being, first duly sworn, on oath, says; that he is the publisher of The Daily Republic, a daily newspaper, published in the City of Mitchell, in said County of Davison, and State of South Dakota; that he has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive; that said newspaper has been published within the said County of Davison and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the notice, order or advertisement, a printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for 1 issue(s), to wit:

March 9 2005

That the full amount of the fee charged for the publication of the attached public notice insures to the sole benefit of the publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever, that the fees charged for the publication thereof are: \$ 52.06

Signed: Noel Hamiel

Subscribed and sworn to before me this 9 day of March 2005

Kathy Hoggman
Notary Public
County of Nelson

My Commission Expires: 10.8.2009

Prepared by: The Daily Republic, P.O. Box 1288, Mitchell S.D. 57301 605-996-5515

Length of line: 12 pica
 Size of type: 8 pt.
 Number of lines: _____
 Line rate: _____

**AFFIDAVIT OF
 PUBLICATION**
The Wolsey News

STATE OF SOUTH DAKOTA)
)SS
 County of Beadle)

Gary L. McFarlane of said county being first duly sworn, on oath, says that he is the publisher of *The Wolsey News*, a weekly newspaper printed and published in Wessington, SD said County of Beadle by Miller Publishing Co., Inc. and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bonafide circulation of at least two hundred copies weekly, and has been published within said County for fifty successive weeks next prior to the publication of the notice, herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the

Notice
BNSF

a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once each week for 1 successive week(s), on the day of each week on which said newspaper was regularly published, to wit:

3-9-2005; _____ 20 _____

_____ 20 _____ 20 _____

_____ 20 _____ 20 _____

that the full amount of the fees for the publication of the annexed notice is

\$ 22.75
Gary McFarlane
 Gary McFarlane, Publisher

Subscribed and sworn to before me this 10 day of 3 2005
Paula McFarlane
 Paula L. McFarlane, Notary Public
 My Commission expires: 10-11-10

Notice from BNSF

**SURFACE TRANSPORTATION
 BOARD
 FINANCE DOCKET NO. 34667
 RAIL CARRIER: BNSF
 RAILWAY COMPANY
 AGENCY: SURFACE
 TRANSPORTATION BOARD
 ACTION: NOTICE OF FILING
 OF A RAILROAD APPLICATION
 TO ACQUIRE AND OPERATE
 CERTAIN RAIL LINES IN SOUTH
 DAKOTA AND IOWA**

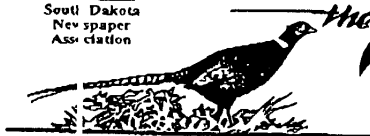
SUMMARY: BNSF Railway Company ("BNSF") has filed an application with the Surface Transportation Board seeking authority to acquire and operate certain railroad lines owned by the State of South Dakota ("State") as described in a July 10, 1988 Operating Agreement between BNSF's predecessor and the State. These lines include principally the lines from Milepost 777.0 near Aberdeen, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 518.9 near Sioux City, Iowa to Milepost 649.7 near Mitchell, South Dakota; from Milepost 293.1 near Canton, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 74.1 to Milepost 66.8 in Sioux Falls, South Dakota; from Milepost 68.8 near Sioux Falls, South Dakota to Milepost 49.4 near Canton, South Dakota; and from Milepost 511.9 to Milepost 518.9 in Sioux City, Iowa.

Any interested person may file written comments and evidence on the application with the Surface Transportation Board. Written comments and evidence are due on March 11, 2005, and comments should indicate the proceeding, STB Finance Docket No. 34667, and should be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. The original and ten copies of all comments and evidence shall be filed with the Board. A copy of each comment and evidence shall also be served upon BNSF's representatives: Adrian L. Steel, Jr., Esq., Mayer, Brown, Rowe & Maw LLP, 1909 K Street, NW, Washington, DC 20006, (202) 263-3237, FAX number (202) 263-5237; and Sarah W. Balliff, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131, (817) 352-2354, FAX number (817) 352-2397.

A copy of the application is available for public inspection at the offices of the Surface Transportation Board and the applicant, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131.

Dated: February 18, 2005

11

South Dakota
Newspaper
Association

FAX TRANSMITTAL FORM

from

Redfield Press16 East 7th Avenue
Redfield, SD 57469Cindy Lambert
605-472-0822

FAX: 605-472-3634

News Items, Classifieds, Advertisements and Job Printing

DATE 3-7-05TO: John SimsFROM: Lambert

TOTAL PAGES - INCLUDING

REMARKS:

**Notice of
Railroad
Application**#51
SURFACE TRANSPORTATION
BOARD
FINANCE DOCKET NO. 34667
RAIL CARRIER: BNSF Railway
Company
AGENCY: Surface Transportation
BoardACTION: Notice of Filing of a Railroad
Application to Acquire and Operate
Certain Rail Lines in South Dakota and
Iowa.SUMMARY: BNSF Railway Company
("BNSF") has filed an application with
the Surface Transportation Board
seeking authority to acquire and oper-
ate certain railroad lines owned by the
State of South Dakota ("State") and
described in a July 10, 1986 Operating
Agreement between BNSF's predecessor
and the State. These lines include
principally the lines from Milepost
777.0 near Aberdeen, South Dakota to
Milepost 650.6 near Mitchell, South
Dakota; from Milepost 518.9 near
Sioux City, Iowa to Milepost 649.7 near
Mitchell, South Dakota; from Milepost
293.1 near Canton, South Dakota to
Milepost 650.6 near Mitchell, South
Dakota; from Milepost 74.1 to Milepost
68.8 in Sioux Falls, South Dakota; from
Milepost 68.8 near Sioux Falls, South
Dakota to Milepost 49.4 near Canton,
South Dakota; and from Milepost 511.3
to Milepost 518.9 in Sioux City, Iowa.
Any interested person may file written
comments and evidence on this
application with the SurfaceTransportation Board. Written com-
ments and evidence are due on March
11, 2005, and comments should indi-
cate the proceeding, STB Finance
Docket No. 34667, and should be filed
with the Surface Transportation Board,
Office of the Secretary, Case Control
Unit, 1925 K Street, N.W., Washington,
DC 20423-0001. The original and ten
copies of all comments and evidence
shall be filed with the Board. A copy of
each comment and evidence shall also
be served upon BNSF's representa-
tives: Adrian L. Steel, Jr., Esq., Mayer,
Brown, Rowe & Maw LLP, 1909 K
Street, NW, Washington, DC 20006,
(202) 263-3237, FAX number (202)
263-5237; and Sarah W. Bailiff, BNSF
Railway Company, 2500 Lou Menk
Drive, Fort Worth, TX 76131, (817)
352-2354, FAX number (817) 352-
2397.A copy of the application is avail-
able for public inspection at the offices
of the Surface Transportation Board
and the applicant, BNSF Railway
Company, 2500 Lou Menk Drive, Fort
Worth, TX 76131.Dated: February 18, 2005
(March 2)

■ ■ ■

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

BNSF RAILWAY COMPANY
2500 LOU MENK DRIVE
FORT WORTH, TX 76131

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT HE IS THE MANAGING EDITOR OF THE YANKTON
PRINTING COMPANY, A CORPORATION, THE PRINTER AND THE
PUBLISHER OF THE YANKTON DAILY PRESS AND DAKOTAN, A LEGAL
DAILY NEWSPAPER PRINTED AND PUBLISHED IN THE CITY OF YANKTON,
SAID COUNTY AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF
THE SAID COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE
ANNEXED FINANCE DOCKET NO. 34667

TAKEN FROM THE PAPER IN WHICH IT WAS PUBLISHED IN THE
NEWSPAPER ON THE 24TH DAY OF FEBRUARY, 2005.
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$65.76 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 2/24/05

FILED ON: 2/24/05

SUBSCRIBED AND SWORN TO BEFORE ME THIS 24TH DAY OF FEBRUARY, 2005.

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2009

2+24

**SURFACE TRANSPORTATION BOARD
FINANCE DOCKET NO. 34667**

RAIL CARRIER: BNSF Railway Company
AGENCY: Surface Transportation Board
ACTION: Notice of Filing of a Railroad Application to
Acquire and Operate Certain Rail Lines in
South Dakota and Iowa

SUMMARY: BNSF Railway Company ("BNSF") has filed an application with the Surface Transportation Board seeking authority to acquire and operate certain railroad lines owned by the State of South Dakota ("State") as described in a July 10, 1986 Operating Agreement between BNSF's predecessor and the State. These lines include principally the lines from Milepost 777.0 near Aberdeen, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 518.9 near Sioux City, Iowa to Milepost 649.7 near Mitchell, South Dakota; from Milepost 293.1 near Canton, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 74.1 to Milepost 68.8 in Sioux Falls, South Dakota; from Milepost 68.8 near Sioux Falls, South Dakota to Milepost 49.4 near Canton, South Dakota; and from Milepost 511.9 to Milepost 518.9 in Sioux City, Iowa.

Any interested person may file written comments and evidence on the application with the Surface Transportation Board. Written comments and evidence are due on March 11, 2005, and comments should indicate the proceeding, STB Finance Docket No. 34667, and should be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. The original and ten copies of all comments and evidence shall be filed with the Board. A copy of each comment and evidence shall also be served upon BNSF's representatives: Adrian L. Steel, Jr., Esq., Mayer, Brown, Rowe & Maw LLP, 1909 K Street, NW, Washington, DC 20006, (202) 263-3237, FAX number (202) 263-5237; and Sarah W. Bailiff, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131, (817) 352-2354, FAX number (817) 352-2397.

A copy of the application is available for public inspection at the offices of the Surface Transportation Board and the applicant, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131.

Dated: February 18, 2005

REC'D. LAW DEPT.

MAR 04 2005

FORT WORTH

Affidavit of Publication

STATE OF SOUTH DAKOTA } :ss
COUNTY OF TURNER }

I, Lisa Joffer of the City of Parker, County of Turner, State of South Dakota, being first duly sworn on oath, deposes and says:

The New Era is a weekly legal newspaper of general circulation, printed and published in the City of Parker, in said County of Turner, by The New Era, Lyon Sioux Press, publishers, and has been such legal newspaper during the times hereinafter mentioned; that the said newspaper has been in existence as such legal newspaper for more than one year prior to the publication of the notice hereunto attached, and has during all of said publication of the notice hereunto attached, and has during all of said time had, and now has, more than 200 bona fide subscribers; that the undersigned, The affiant, is the Office Manager of the said newspaper, in charge of the advertisement department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement headed:

#3660 - notice of application

printed copy of hereto attached, is printed and published in the said newspaper for one successive weeks, once each week and on the same day of the week, on the following dates, to-wit:

On Thursday, the 3rd day of March 2005 ;
On Thursday, the _____ day of _____, 200____;
On Thursday, the _____ day of _____, 200____;
On Thursday, the _____ day of _____, 200____;
On Thursday, the _____ day of _____, 200____;

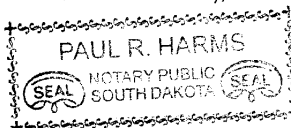
That \$ 21.34 being the full amount of the fees for publication of the attached notice insures solely for the benefits of the publishers of the said newspaper, that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Lisa Joffer
Subscribed and sworn to before me this 4th
day of March, 2005

My Commission
Expires:

02/02
2006

Notary Public, Turner County, South Dakota



Notice of Application

Surface Transportation Board
Finance Docket No. 34667

RAIL CARRIER: BNSF Railway

Company
AGENCY: Surface Transportation Board

ACTION: Notice of Filing of a Railroad Application to Acquire and Operate Certain Rail Lines in South Dakota and Iowa

SUMMARY: BNSF Railway Company ("BNSF") has filed an application with the Surface Transportation Board seeking authority to acquire and operate certain railroad lines owned by the State of South Dakota ("State") as described in a July 10, 1986 Operating Agreement between BNSF's predecessor and the State. These lines include principally the lines from Milepost 777.0 near Aberdeen, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 518.9 near Sioux City, Iowa to Milepost 649.7 near Mitchell, South Dakota; from Milepost 293.1 near Canton, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 74.1 to Milepost 68.8 in Sioux Falls, South Dakota; from Milepost 68.8 near Sioux Falls, South Dakota to Milepost 49.4 near Canton, South Dakota; and from Milepost 511.9 to Milepost 518.9 in Sioux City, Iowa.

Any interested person may file written comments and evidence on the application with the Surface Transportation Board. Written comments and evidence are due on March 11, 2005, and comments should indicate the proceeding, STB Finance Docket No. 34667, and should be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, D.C. 20423-0001. The original and ten copies of all comments and evidence shall be filed with the Board. A copy of each comment and evidence shall also be served upon BNSF's representatives: Adrian L. Steel, Jr., Esq., Mayer, Brown, Rowe & Maw LLP, 1909 K Street, NW, Washington, D.C. 20006, (202) 263-3237, FAX number (202) 263-5237; and Sarah W. Bailiff, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, Texas 76131, (817) 352-2354, FAX number (817) 352-2397.

A copy of the application is available for public inspection at the offices of the Surface Transportation Board and the applicant, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, Texas 76131.

Dated: Feb.18, 2005

(#3660, 3/03/05, The New Era)

Publication Fees \$._____

Notary Fees ... \$._____

Total\$21.34

Received Payment,

PRINTER'S AFFIDAVIT

STATE OF SOUTH DAKOTA,
COUNTY OF BEADLE: ss.

I, Kristie Kahre, being duly sworn on oath, say that THE PLAINSMAN is a daily paper published at Huron, Beadle County, South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am Legal Advertising Coordinator of said newspaper and know the facts herein state. The annexed notice headed:

BNSF Railway Company - Surface Transportation
Dock #34667

was published for one day, in said newspaper, and not in any supplement of the said newspaper, the publication was of the 23rd day of February, 2005. That the full amount of Twenty Eight 39/00 dollars insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whom so ever.

Kristie Kahre

Subscribed and sworn to before me this 28th day of February, 2005.

Sarah J. Hens
Notary Public, South Dakota

My term expires 08/27/2010

Legal # 67

F.P. 2-23-05

**SURFACE
TRANSPORTATION
BOARD
FINANCE DOCKET
NO. 34667**

RAIL CARRIER: BNSF

Railway Company

AGENCY:

Surface Transportation
Board

ACTION:

Notice of Filing of a
Railroad Application to
Acquire and Operate
Certain Rail Lines in South
Dakota and Iowa

SUMMARY: BNSF Railway
Company ("BNSF") has
filed an application with the
Surface Transportation
Board seeking authority to
acquire and operate cer-
tain railroad lines owned by
the State of South Dakota
("State") as described in a
July 10, 1986 Operating
Agreement between
BNSF's predecessor and
the State. These lines
include principally the lines
from Milepost 777.0 near
Aberdeen, South Dakota to
Milepost 650.6 near
Mitchell, South Dakota;
from Milepost 518.9 near
Sioux City, Iowa to Milepost
649.7 near Mitchell, South
Dakota; from Milepost
293.1 near Canton, South
Dakota to Milepost 650.6
near Mitchell, South
Dakota; from Milepost 74.1
to Milepost 68.8 in Sioux
Falls, South Dakota; from
Milepost 68.8 near Sioux
Falls, South Dakota to
Milepost 49.4 near Canton,
South Dakota; and from

Milepost 511.9 to Milepost

518.9 in Sioux City, Iowa.

Any interested person
may file written comments
and evidence on the appli-
cation with the Surface
Transportation Board. Written comments and evi-
dence are due on March
11, 2005, and comments
should indicate the pro-
ceeding, STB Finance
Docket No. 34667, and
should be filed with the
Surface Transportation
Board, Office of the
Secretary, Case Control
Unit, 1925 K Street, N.W.,
Washington, DC 20423-
0001. The original and ten
copies of all comments and
evidence shall be filed with
the Board. A copy of each
comment and evidence
shall also be served upon
BNSF's representatives:
Adrian L. Steel, Jr., Esq.,
Mayer, Brown, Rowe &
Maw LLP, 1909 K Street,
NW, Washington, DC
20006, (202) 263-3237,
FAX number (202) 263-
5237; and Sarah W. Bailiff,
BNSF Railway Company,
2500 Lou Menk Drive, Fort
Worth, TX 76131, (817)
352-2354, FAX number
(817) 352-2397.

A copy of the application
is available for public
inspection at the offices of
the Surface Transportation
Board and the applicant,
BNSF Railway Company,
2500 Lou Menk Drive, Fort
Worth, TX 76131.

Dated: February 18,
2005

No. 67 (adv.)

REC'D. LAW DEPT.

MAR 17 2005

FORT WORTH

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA }
COUNTY OF LINCOLN } ss.

Debbie Schmidt

being first duly sworn, disposes and says: That (he)(she) is a resident of the County of Lincoln and State of South Dakota; that the LENNOX INDEPENDENT is a weekly legal newspaper of general circulation, printed and published in Lennox, in said County and State, and is now, and has been such newspaper continuously, during all the times herein-after mentioned; that the affiant is affiliated with said newspaper as employer or employee and has personal knowledge of all the facts stated in this affidavit, and the notice and advertisement headed _____

Surface Transportation
Board

a printed copy of which is hereonto attached and made a part hereof, was printed and published in the said newspaper _____ successive issues. That the first publication of said notice in said newspaper aforesaid was on Thursday, the 24 day of Feb. A.D., 20 05 and that the succeeding publication was severally

on Thursday the _____ day of _____ A.D., 20 _____
on Thursday the _____ day of _____ A.D., 20 _____
on Thursday the _____ day of _____ A.D., 20 _____
on Thursday the _____ day of _____ A.D., 20 _____
on Thursday the _____ day of _____ A.D., 20 _____
on Thursday the _____ day of _____ A.D., 20 _____

that the fees charged for the printing and publication of said notice and advertisement in said newspaper as aforesaid were 22 Dollars 17 Cents, and that said fees for the printing and publishing of said notice and advertisement, and for the affidavit as aforesaid, have been fully paid; that the full amount of the fee charged for the publishing of the said attached and annexed notice and advertisement inures to the benefit of the publishers of the said Lennox Independent, that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person, whomsoever.

Subscribed and sworn to before me this 25 day of

Feb., 2005.

Notary Public

Lincoln County, South Dakota

My Commission expires July 9, 2009.

SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 34667

RAIL CARRIER: BNSF Railway Company

AGENCY: Surface Transportation Board

ACTION: Notice of Filing of a Railroad Application to Acquire and Operate Certain Rail Lines in South Dakota and Iowa

SUMMARY: BNSF Railway Company ("BNSF") has filed an application with the Surface Transportation Board seeking authority to acquire and operate certain railroad lines owned by the State of South Dakota ("State") as described in a July 10, 1986 Operating Agreement between BNSF's predecessor and the State. These lines include principally the lines from Milepost 777.0 near Aberdeen, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 518.9 near Sioux City, Iowa to Milepost 649.7 near Mitchell, South Dakota; from Milepost 293.1 near Canton, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 74.1 to Milepost 68.8 in Sioux Falls, South Dakota; from Milepost 68.8 near Sioux Falls, South Dakota to Milepost 49.4 near Canton, South Dakota; and from Milepost 511.9 to Milepost 518.9 in Sioux City, Iowa.

Any interested person may file written comments and evidence on the application with the Surface Transportation Board. Written comments and evidence are due on March 11, 2005, and comments should indicate the proceeding, STB Finance Docket No. 34667, and should be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. The original and ten copies of all comments and evidence shall be filed with the Board. A copy of each comment and evidence shall also be served upon BNSF's representatives: Adrian L. Steel, Jr., Esq., Mayer, Brown, Rowe & Maw LLP, 1909 K Street, NW, Washington, DC 20006, (202) 263-3237, FAX number (202) 263-5237; and Sarah W. Bailiff, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131, (817) 352-2354, FAX number (817) 352-2397.

A copy of the application is available for public inspection at the offices of the Surface Transportation Board and the applicant, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131.

Dated: February 18, 2005

(2-24)

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA}

§

COUNTY OF BROWN}

Mary Besten being duly sworn, on his/her oath says: That the AMERICAN NEWS is a daily newspaper of general circulation, printed and published in Aberdeen, Brown County, South Dakota, by the Aberdeen News Company, a corporation, and has been such a newspaper during the times hereinafter mentioned; That affiant is an employee and principal clerk of said publisher and has personal knowledge of all facts stated in this affidavit; That the advertisement headed:

Legal Notice # 1187522
Transportation Board
Finance Docket # 34667

a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper, and not in a supplement thereof, once each

Day for 1 successive Day
The first publication being made on the 25 day of Feb, 2005.
The second publication being made on the _____ day of _____, 2005.
The third publication being made on the _____ day of _____, 2005.
The fourth publication being made on the _____ day of _____, 2005.
The fifth publication being made on the _____ day of _____, 2005.
The sixth publication being made on the _____ day of _____, 2005;

That said newspaper is a legal newspaper published five days or more each week; with a bona fide circulation of more than two hundred copies daily; published in the English language within the said county of Brown for more than one year prior to the first publication of said notice; and printed in whole in an office maintained at the place of publication of said newspaper; That the whole amount of the fee paid for the publication of the annexed notice is \$ 42.47, which insures solely to the benefit of said publisher; That no agreement or understanding for a division thereof had been made with any other person; and That no part thereof has been agreed to be paid to any person whomsoever.

Mary Besten

Subscribed and sworn to before me this 25 day of Feb, 2005.

Daily Circulation 18,000

Michael

Notary Public, Brown County, SE

My commission expires March 20, 2007

(No. 1187522)
(Feb. 25, 2005 - 11)
SURFACE
TRANSPORTATION BOARD
FINANCE DOCKET NO. 34667
RAIL CARRIER: BNSF Railway
Company
AGENCY: Surface Transportation Board
ACTION: Notice of Filing of a Railroad Application to Acquire and Operate Certain Rail Lines in South Dakota and Iowa
SUMMARY: BNSF Railway Company ("BNSF") has filed an application with the Surface Transportation Board seeking authority to acquire and operate certain railroad lines owned by the State of South Dakota ("State") as described in a July 10, 1986 Operating Agreement between BNSF's predecessor and the State. These lines include principally the lines from Milepost 777.0 near Aberdeen, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 518.9 near Sioux City, Iowa to Milepost 649.7 near Mitchell, South Dakota; from Milepost 293.1 near Canton, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 74.1 to Milepost 68.8 in Sioux Falls, South Dakota; from Milepost 68.8 to Milepost 49.4 near Canton, South Dakota; and from Milepost 511.9 to Milepost 518.9 in Sioux City, Iowa.
Any interested person may file written comments and evidence on the application with the Surface Transportation Board. Written comments and evidence are due on March 11, 2005, and comments should indicate the proceeding, STB Finance Docket No. 34667, and should be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. The original and ten copies of all comments and evidence shall be filed with the Board. A copy of each comment and evidence shall also be served upon BNSF's representatives: Adrian L. Steel, Jr., Esq., Mayer, Brown, Rowe & Maw LLP, 1909 K Street, NW, Washington, DC 20006, (202) 263-3237, FAX: number (202) 263-9237; and Sarah W. Bailiff, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131, (817) 352-2354, FAX number (817) 352-2397.
A copy of the application is available for public inspection at the offices of the Surface Transportation Board and the applicant, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131.
Dated: February 18, 2005

SEAL

AFFIDAVIT OF PUBLICATION

State of South Dakota)

:SS

County of Union)

Bruce L. Odson,

the publisher of the Leader-Courier, deposes and says that

The Leader-Courier

is a legal weekly newspaper of a general circulation, printed and published in Elk Point, County of Union, State of South Dakota, and has been such legal newspaper during the time hereinafter mentioned, and that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit: and that the notice and advertisement headed:

Surface Transportation Board

Finance Docket No. 34667

a printed copy of which is hereunto attached and made a part hereof, was printed and published in the said newspaper at least once in

each week for 1 successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two hundred paid copies weekly, and had been published in the said County of Union for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of Elk Point, the said place of publication; that the first publication of said notice in said newspaper was

on Thursday, the 24 day of February, 2005

and that the succeeding publications were

on Thursday, the _____ day of _____,

on Thursday, the _____ day of _____,

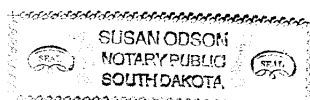
on Thursday, the _____ day of _____,

that the fees for the printing and publishing of said notice and advertisement in said newspaper as aforesaid were

\$ 21.84, that the full amount of the fee charged insures to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Subscribed and sworn to before me

this 24 day of February, 2005



My commission expires 6-21-05

Notary Public

SURFACE TRANSPORTATION BOARD FINANCE DOCKET NO. 34667

RAIL CARRIER: BNSF Railway Company

AGENCY: Surface Transportation Board

ACTION: Notice of Filing of a Railroad Application to Acquire and Operate Certain Rail Lines in South Dakota and Iowa

SUMMARY: BNSF Railway Company ("BNSF") has filed an application with the Surface Transportation Board seeking authority to acquire and operate certain railroad lines owned by the State of South Dakota ("State") as described in a July 10, 1986 Operating Agreement between BNSF's predecessor and the State. These lines include principally the lines from Milepost 777.0 near Aberdeen, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 518.9 near Sioux City, Iowa to Milepost 649.7 near Mitchell, South Dakota; from Milepost 293.1 near Canton, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 74.1 to Milepost 68.8 in Sioux Falls, South Dakota; from Milepost 68.8 near Sioux Falls, South Dakota to Milepost 49.4 near Canton, South Dakota; and from Milepost 511.9 to Milepost 518.9 in Sioux City, Iowa.

Any interested person may file written comments and evidence on the application with the Surface Transportation Board. Written comments and evidence are due on March 11, 2005, and comments should indicate the proceeding, STB Finance Docket No. 34667, and should be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. The original and ten copies of all comments and evidence shall be filed with the Board. A copy of each comment and evidence shall also be served upon BNSF's representatives: Adrian L. Steel, Jr., Esq., Mayer, Brown, Rowe & Maw LLP, 1909 K Street, NW, Washington, DC 20006, (202) 263-3237, FAX number (202) 263-5237; and Sarah W. Bailiff, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131, (817) 352-2354, FAX number (817) 352-2397.

A copy of the application is available for public inspection at the offices of the Surface Transportation Board and the applicant, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131.

Dated: February 18, 2005

Publish February 24, 2005

8-9-70 21.84

AFFIDAVIT OF PUBLICATION

State of South Dakota)

:ss

County of Union)

Bruce L. Odson,

the publisher of the Leader-Courier, deposes and says that

The Leader-Courier

is a legal weekly newspaper of a general circulation, printed and published in Elk Point, County of Union, State of South Dakota, and has been such legal newspaper during the time hereinafter mentioned, and that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit: and that the notice and advertisement headed:

Surface Transportation Board

Finance Docket No. 34667

a printed copy of which is hereunto attached and made a part hereof, was printed and published in the said newspaper at least once in

each week for 1 successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two hundred paid copies weekly, and had been published in the said County of Union for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of Elk Point, the said place of publication; that the first publication of said notice in said newspaper was

on Thursday, the 24 day of February, 2005

and that the succeeding publications were

on Thursday, the _____ day of _____,

on Thursday, the _____ day of _____,

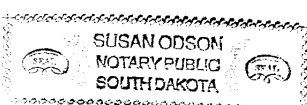
on Thursday, the _____ day of _____,

that the fees for the printing and publishing of said notice and advertisement in said newspaper as aforesaid were

\$ 21.84, that the full amount of the fee charged insures to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Subscribed and sworn to before me

this 24 day of February, 2005



My commission expires 6-21-05

Notary Public

SURFACE TRANSPORTATION BOARD FINANCE DOCKET NO. 34667

RAIL CARRIER: BNSF Railway Company

AGENCY: Surface Transportation Board

ACTION: Notice of Filing of a Railroad Application to Acquire and Operate Certain Rail Lines in South Dakota and Iowa

SUMMARY: BNSF Railway Company ("BNSF") has filed an application with the Surface Transportation Board seeking authority to acquire and operate certain railroad lines owned by the State of South Dakota ("State") as described in a July 10, 1986 Operating Agreement between BNSF's predecessor and the State. These lines include principally the lines from Milepost 777.0 near Aberdeen, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 518.9 near Sioux City, Iowa to Milepost 649.7 near Mitchell, South Dakota; from Milepost 293.1 near Canton, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 74.1 to Milepost 68.8 in Sioux Falls, South Dakota; from Milepost 68.8 near Sioux Falls, South Dakota to Milepost 49.4 near Canton, South Dakota; and from Milepost 511.9 to Milepost 518.9 in Sioux City, Iowa.

Any interested person may file written comments and evidence on the application with the Surface Transportation Board. Written comments and evidence are due on March 11, 2005, and comments should indicate the proceeding, STB Finance Docket No. 34667, and should be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. The original and ten copies of all comments and evidence shall be filed with the Board. A copy of each comment and evidence shall also be served upon BNSF's representatives: Adrian L. Steel, Jr., Esq., Mayer, Brown, Rowe & Maw LLP, 1909 K Street, NW, Washington, DC 20006, (202) 263-3237, FAX number (202) 263-5237; and Sarah W. Bailiff, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131, (817) 352-2354, FAX number (817) 352-2397.

A copy of the application is available for public inspection at the offices of the Surface Transportation Board and the applicant, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131.

Dated: February 18, 2005

Publish February 24, 2005

8-9-70

21.84

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)

COUNTY OF SANBORN) ss

Hillary Satter
being the first duly sworn, deposes and says: That she is a resident of the County of Sanborn and State of South Dakota, that the Sanborn Weekly Journal, Inc. is a weekly newspaper of general circulation, printed and published in the City of Woonsocket, in said County and State by:

Hillary Satter
and is now and has been such a newspaper continuously, during all the times hereinafter mentioned, that the affiant is and was during all the times hereinafter mentioned the printer and publisher of said newspaper in charge of the advertising department thereof; and has personal knowledge of all the facts stated in this affidavit, and that the notice and advertisement headed:

Surface Transportation
Board Ginnale Docket
No. 34667

a printed copy of which is hereunto attached and made a part thereof, was printed and published in the said newspaper once a week for 1 consecutive issues.

That the first publication of said notice in said newspaper was on Thursday, the 24 day of February A.D., 2005 and that the succeeding publication was severally -

on Thursday, the _____ day of _____ A.D. _____
on Thursday, the _____ day of _____ A.D. _____
on Thursday, the _____ day of _____ A.D. _____
on Thursday, the _____ day of _____ A.D. _____
on Thursday, the _____ day of _____ A.D. _____
on Thursday, the _____ day of _____ A.D. _____
on Thursday, the _____ day of _____ A.D. _____
on Thursday, the _____ day of _____ A.D. _____

that the fees charged for printing and publication of said notice and advertisement in said newspaper as aforesaid were _____ Dollars and _____ Cents, and that said fees for the printing and publishing of said notice and advertisement, have been fully paid; that the full amount of the fee charged for the publishing of said attached and annexed notice and advertisement insures to the benefit of the publishers of the said newspaper that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person, whomsoever. That the said newspaper is a legal newspaper as provided in Section 65.0508, South Dakota Code, as amended.

Subscribed and sworn to before me this 24 day of February 2005

Hillary Satter
Bryan Satter
Notary Public, Sanborn County, South Dakota

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF SANBORN

being the first duly sworn, disposes and says: That she is a resident of the County of Sanborn and State of South Dakota, that the Sanborn Weekly Journal, Inc. is a weekly newspaper of general circulation, printed and published in the City of Woonsocket, in said County and State by:

and is now and has been such a newspaper continuously, during all the times hereinafter mentioned; that the affiant is and was during all the times hereinafter mentioned the printer and publisher of said newspaper in charge of the advertising department thereof; and has personal knowledge of all the facts stated in this affidavit, and that the notice and advertisement headed:

Surface Transportation
Board Finance Docket
No. 34667

a printed copy of which is hereunto attached and made a part thereof, was printed and published in the said newspaper once a week for _____ consecutive issues.

That the first publication of said notice in said newspaper was on Thursday, the 24th day of _____ A.D., 2005 and that the succeeding publication was severally -

on Thursday, the _____ day of _____
on Thursday, the _____ day of _____
on Thursday, the _____ day of _____
on Thursday, the _____ day of _____
on Thursday, the _____ day of _____
on Thursday, the _____ day of _____
on Thursday, the _____ day of _____

that the fees charged for printing and publication of said notice and advertisement aforesaid were _____ Dollars and _____ Cents, and that said fee; publishing of said notice and advertisement, have been fully paid; that the full amount for the publishing of said attached and annexed notice and advertisement insures publishers of the said newspaper that no agreement or understanding for the division made with any other person, and that no part thereof has been agreed to be whomsoever. That the said newspaper is a legal newspaper as provided in Section 65 Code, as amended.

Subscribed and sworn to before me this 28 day of February 2005

Notary Public, Sanborn County, South Dakota

SURFACE TRANSPORTATION BOARD FINANCE DOCKET NO. 34667

RAIL CARRIER: BNSF Railway Company
AGENCY: Surface Transportation Board

ACTION: Notice of Filing of a Railroad Application to Acquire and Operate Certain Rail Lines in South Dakota and Iowa

SUMMARY: BNSF Railway Company ("BNSF") has filed an application with the Surface Transportation Board seeking authority to acquire and operate certain railroad lines owned by the State of South Dakota ("State") as described in a July 10, 1986 Operating Agreement between BNSF's predecessor and the State. These lines include principally the lines from Milepost 777.0 near Aberdeen, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 518.9 near Sioux City, Iowa to Milepost 649.7 near Mitchell, South Dakota; from Milepost 293.1 near Canton, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 74.1 to Milepost 68.8 in Sioux Falls, South Dakota; from Milepost 68.8 near Sioux Falls, South Dakota to Milepost 49.4 near Canton, South Dakota; and from Milepost 511.9 to Milepost 518.9 in Sioux City, Iowa.

Any interested person may file written comments and evidence on the application with the Surface Transportation Board. Written comments and evidence are due on March 11, 2005, and comments should indicate the proceeding, STB Finance Docket No. 34667, and should be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. The original and ten copies of all comments and evidence shall be filed with the Board. A copy of each comment and evidence shall also be served upon BNSF's representatives: Adrian L. Steel, Jr., Esq., Mayer, Brown, Rowe & Maw LLP, 1909 K Street, NW, Washington, DC 20006, (202) 263-3237, FAX number (202) 263-5237; and Sarah W. Bailiff, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131, (817) 352-2354, FAX number (817) 352-2397.

A copy of the application is available for public inspection at the offices of the Surface Transportation Board and the applicant, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131.

Dated: February 18, 2005
SJ25-11b

Affidavit of Publication

STATE OF SOUTH DAKOTA, COUNTY OF JERAULD, SS.

Karen Wenzel being first duly sworn, deposes and says: that he/she is a resident of the County of Jerauld and State of South Dakota; and the True Dakotan is a weekly newspaper of general circulation, published in Wessington Springs, in said county by J. Craig and Dennis P. Wenzel; and is now and has been such newspaper continuously, during all the times hereafter mentioned; that the affiant is, and was during all the times hereafter mentioned, the business manager of said newspaper, in charge of the advertising department thereof; and has personal knowledge of all facts stated in this affidavit:

and that the notice and advertisement headed Notice (BNSF)

a printed copy of which is hereto attached and made a part hereof, was printed and published in said newspaper in 2 successive issues. That the first publication of said notice in said newspaper aforesaid was on Tuesday, the 22 day of Feb, 2005; and that the succeeding publications were:

on Tuesday, the.....day of.....19.....

on Tuesday, the.....day of.....19.....

on Tuesday, the.....day of.....19.....

that the fee charged for the printing and publishing of said notice and advertisement in said newspaper as aforesaid, was 25 dollars and 64 cents, and for this affidavit; and that said fee for printing and publishing said notice and advertisement in said newspaper has been fully paid; that the full amount of fees charged for the publishing of the said attached and annexed notice and advertisement inures to the benefit of the publisher of the said True Dakotan; and no agreement or understanding for the division thereof has been made with any person whomsoever; that the said newspaper is a legal newspaper as provided by

law Karen Wenzel

Subscribed and sworn to before me, this 28 day of Feb, 2005

Penny Wenzel Notary Public in and for
Jerauld County, South Dakota

AFFIDAVIT EX-REL PUBLICATIONS FEES STATE OF SOUTH DAKOTA, COUNTY OF JERAULD, SS.

.....being first duly sworn on his oath,
says that he is one of the authorized attorneys of

the.....in the
action mentioned and described in the annexed notice; that the affiant directed the publication of the annexed notice; that no agreement or understanding for any division of the fees therefore has been made with any person whomsoever; and that no part thereof has been refunded or rebated by the party publishing said notice.

Subscribed and sworn to before me this.....day of.....19.....

Notary Public, Jerauld County, South Dakota

SURFACE TRANSPORTATION
BOARD
FINANCE DOCKET NO. 34667
RAIL CARRIER: BNSF Railway
Company

AGENCY: Surface
Transportation Board

ACTION: Notice of Filing
of a Railroad Application to Acquire
and Operate Certain Rail Lines in
South Dakota and Iowa

SUMMARY: BNSF Railway
Company ("BNSF") has filed an
application with the Surface
Transportation Board seeking
authority to acquire and operate
certain railroad lines owned by the
State of South Dakota ("State") as
described in a July 10, 1986
Operating Agreement between
BNSF's predecessor and the State.
These lines include principally the
lines from Milepost 777.0 near
Aberdeen, South Dakota to
Milepost 650.6 near Mitchell, South
Dakota; from Milepost 518.9 near
Sioux City, Iowa to Milepost 649.7
near Mitchell, South Dakota; from
Milepost 293.1 near Canton, South
Dakota to Milepost 650.6 near
Mitchell, South Dakota; from
Milepost 74.1 to Milepost 68.8 in
Sioux Falls, South Dakota; from
Milepost 68.8 near Sioux Falls,
South Dakota to Milepost 49.4 near
Canton, South Dakota; and from
Milepost 511.9 to Milepost 518.9 in
Sioux City, Iowa.

Any interested person may file
written comments and evidence on
the application with the Surface
Transportation Board. Written
comments and evidence are due on
March 11, 2005, and comments
should indicate the proceeding,
STB Finance Docket No. 34667,
and should be filed with the Surface
Transportation Board, Office of the
Secretary, Case Control Unit, 1925
K Street, N.W., Washington, DC
20423-0001. The original and ten
copies of all comments and
evidence shall be filed with the
Board. A copy of each comment
and evidence shall also be served
upon BNSF's representatives:
Adrian L. Steel, Jr., Esq., Mayer,
Brown, Rowe & Maw LLP, 1909 K
Street, NW, Washington, DC
20006, (202) 263-3237, FAX
number (202) 263-5237; and Sarah
W. Baillif, BNSF Railway Company,
2500 Lou Menk Drive, Fort Worth,
TX 76131, (817) 352-2354, FAX
number (817) 352-2397.

A copy of the application is
available for public inspection at the
offices of the Surface
Transportation Board and the
applicant, BNSF Railway Company,
2500 Lou Menk Drive, Fort Worth,
TX 76131.

Dated: February 18, 2005

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

JULIE GERBER

being first duly sworn on her oath says; that the Sioux Valley News is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Sioux Valley News, Inc., in Canton, in said county and State, and has been such legal newspaper during the time hereinafter mentioned; that she is and during all of said time was bookkeeper of said newspaper and has personal knowledge of the facts stated in this affidavit; that the advertisement headed:

SURFACE TRANSPORTATION BOARD FINANCE DOCKET NO. 34667

a printed copy of which is hereto attached, was printed and published in said newspaper for **ONE** successive weeks upon the following dates, to-wit:

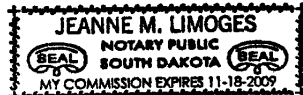
FEBRUARY 24, 2005

that the full amount of the fees charged for publishing the same to-wit: the sum of **\$19.03** insures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.

Subscribed and sworn to before me this **24th** day of **FEBRUARY, 2005**.

Jeanne M. Limoges
Notary Public, South Dakota

(Seal)



SURFACE TRANSPORTATION BOARD FINANCE DOCKET NO. 34667

RAIL CARRIER: BNSF Railway Company
AGENCY: Surface Transportation Board
ACTION: Notice of Filing of a Railroad Application to Acquire and Operate Certain Rail Lines in South Dakota and Iowa

SUMMARY: BNSF Railway Company ("BNSF") has filed an application with the Surface Transportation Board seeking authority to acquire and operate certain railroad lines owned by the State of South Dakota ("State") as described in a July 10, 1986 Operating Agreement between BNSF's predecessor and the State. These lines include principally the lines from Milepost 777.0 near Aberdeen, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 518.9 near Sioux City, Iowa to Milepost 649.7 near Mitchell, South Dakota; from Milepost 293.1 near Canton, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 74.1 to Milepost 68.8 in Sioux Falls, South Dakota; from Milepost 68.8 near Sioux Falls, South Dakota to Milepost 49.4 near Canton, South Dakota; and from Milepost 511.9 to Milepost 518.9 in Sioux City, Iowa.

Any interested person may file written comments and evidence on the application with the Surface Transportation Board. Written comments and evidence are due on March 11, 2005, and comments should indicate the proceeding, STB Finance Docket No. 34667, and should be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. The original and ten copies of all comments and evidence shall be filed with the Board. A copy of each comment and evidence shall also be served upon BNSF's representatives: Adrian L. Steel, Jr., Esq., Mayer, Brown, Rowe & Maw LLP, 1909 K Street, NW, Washington, DC 20006 (202) 263-3237, FAX number (202) 263-5237; and Sarah W. Bailiff, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131, (817) 352-2354, FAX number (817) 352-2397.

A copy of the application is available for public inspection at the office of the Surface Transportation Board and the applicant, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131.

Dated: February 18, 2005
(2-24)

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA
COUNTY OF HUTCHINSON

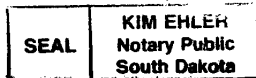
SCOTT E. EHLE, BEING DULY SHORN,
SAYS: THAT THE PARKSTON ADVANCE
IS, AND DURING ALL THE TIME HERE-
INAFTER MENTIONED WAS, A WEEKLY
LEGAL NEWSPAPER AS DEFINED IN SDCL
17-2-2.1 THROUGH 17-2-2.4 INCLUSIVE,
AS AMENDED, PUBLISHED AT
PARKSTON, HUTCHINSON COUNTY,
SOUTH DAKOTA BY THE PARKSTON
ADVANCE, INC.; THAT AFFIANT IS
AND DURING ALL OF SAID TIMES WAS,
AN EMPLOYEE OF THE PUBLISHER OF
SUCH NEWSPAPER AND HAS PERSONAL
KNOWLEDGE OF THE FACTS STATED IN
THIS AFFIDAVIT; THAT THE NOTICE,
ORDER OR ADVERTISEMENT, A PRINTED
COPY OF WHICH IS ATTACHED, WAS
PUBLISHED IN SAID NEWSPAPER FOR
1 SUCCESSIVE ISSUES, BEARING THE
FOLLOWING DATES:

JANUARY 23, 2005

THAT THE FULL AMOUNT OF THE FEE
CHARGED FOR PUBLISHING THE SAME,
TO-WIT, THE SUM OF \$23.76,
INURES SOLELY TO THE BENEFIT OF
THE PUBLISHER OF SAID NEWSPAPER;
THAT NO AGREEMENT OR UNDERSTAND-
ING FOR THE DIVISION OF THE FEE
HAS BEEN MADE WITH ANY PERSON,
AND THAT NO PART OF THE FEE HAS
BEEN AGREED TO BE PAID TO ANY
OTHER PERSON.

SUBSCRIBED AND SWORN TO BEFORE
ME THIS 23RD DAY OF FEBRUARY
A.D., 2005

Kim Ehler
NOTARY PUBLIC, COUNTY OF
HUTCHINSON, SOUTH DAKOTA



MY COMMISSION EXPIRES
JANUARY 12, 2010

**SURFACE TRANSPORTATION
BOARD**

FINANCE DOCKET NO. 34667

RAIL CARRIER: BNSF Railway
Company

AGENCY: Surface Transportation
Board

ACTION: Notice of Filing of a
Railroad Application to Acquire and
Operate Certain Rail Lines in South
Dakota and Iowa

SUMMARY: BNSF Railway Com-
pany ("BNSF") has filed an applica-
tion with the Surface Transportation
Board seeking authority to acquire
and operate certain railroad lines
owned by the State of South Dakota
("State") as described in a July 10,
1986 Operating Agreement between
BNSF's predecessor and the State.
These lines include principally the
lines from Milepost 777.0 near Aber-
deen, South Dakota to Milepost 650.6
near Mitchell, South Dakota; from
Milepost 518.9 near Sioux City, Iowa
to Milepost 649.7 near Mitchell, South
Dakota; from Milepost 293.1 near Can-
ton, South Dakota to Milepost 650.6
near Mitchell, South Dakota; from
Milepost 74.1 to Milepost 68.8 in Sioux
Falls, South Dakota; from Milepost
68.8 near Sioux Falls, South Dakota
to Milepost 49.4 near Canton, South
Dakota; and from Milepost 511.9 to
Milepost 518.9 in Sioux City, Iowa.

Any interested person may file writ-
ten comments and evidence on the
application with the Surface Trans-
portation Board. Written comments
and evidence are due on March 11,
2005, and comments should indicate
the proceeding, STB Finance Docket
No. 34667, and should be filed with
the Surface Transportation Board,
Office of the Secretary, Case Control
Unit, 1925 K Street, N.W., Washington,
DC 20423-0001. The original and ten
copies of all comments and evidence
shall be filed with the Board. A copy

of each comment and evidence shall
also be served upon BNSF's repre-
sentatives: Adrian L. Steel, Jr., Esq.,
Mayer, Brown, Rowe & Maw LLP, 1909
K Street, NW, Washington, DC 20006,
(202) 263-3237, FAX number (202) 263-
5237; and Sarah W. Bailiff, BNSF Rail-
way Company, 2500 Lou Menk Drive,
Fort Worth, TX 76131, (817) 352-2354,
FAX number (817) 352-2397.

A copy of the application is avail-
able for public inspection at the of-
fices of the Surface Transportation
Board and the applicant, BNSF Rail-
way Company, 2500 Lou Menk Drive,
Fort Worth, TX 76131.

Dated: February 18, 2005

8Ac

SNAXLP

Affidavit of Publication

State of South Dakota }
County of Bon Homme } SS

Rebecca Tycz Being first duly sworn says that The **Scotland Journal** is a legal weekly newspaper for the publication of legal and other official notices as required by the South Dakota Revised Code of Nineteen Hundred Nineteen, and any amendments thereof, printed and published in the City of Scotland, County of Bon Homme, and State of South Dakota, and has been such a legal newspaper during the time herein-after mentioned, with a bona fide circulation of at least 250 copies weekly, and published within said county for more than 52 successive weeks prior to the first time herein mentioned and is printed in the English language in whole or in part in an office maintained at the place of publication and that deponent is the publisher in charge of the advertising department of said newspaper; that the advertisement headed

BNSF Surface Transportation Board
63 c 34.5

a printed copy of which hereto attached, was printed and published in said newspaper for one successive weeks, upon the following dates:

<u>Feb. 23</u> 20 <u>05</u>	20.....
..... 20.....	20.....
..... 20.....	20.....
..... 20.....	20.....

That the full amount of the fee charged for the publication of said notice, \$21.74, inures to the benefit of the publisher of said newspaper, that no agreement or understanding for the division thereof has been made with any other person, and that no part has been agreed to be paid to any person whomsoever.

Rebecca Tycz, publisher

Subscribed and sworn to before me this

PEGGY SCHELSKE day of Feb 2005
NOTARY PUBLIC
SOUTH DAKOTA

Notary Public, South Dakota

My commission expires OCT. 24, 2009

SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 34667

RAIL CARRIER: BNSF Railway

Company

AGENCY:

Surface

Transportation Board

ACTION:

Notice of

Filing of a Railroad Application to Acquire and Operate Certain Rail Lines in South Dakota and Iowa

SUMMARY: BNSF Railway Company ("BNSF") has filed an application with the Surface Transportation Board seeking authority to acquire and operate certain railroad lines owned by the State of South Dakota ("State") as described in a July 10, 1986 Operating Agreement between BNSF's predecessor and the State. These lines include principally the lines from Milepost 777.0 near Aberdeen, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 518.9 near Sioux City, Iowa to Milepost 649.7 near Mitchell, South Dakota; from Milepost 293.1 near Canton, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 74.1 to Milepost 68.8 in Sioux Falls, South Dakota; from Milepost 68.8 near Sioux Falls, South Dakota to Milepost 49.4 near Canton, South Dakota; and from Milepost 511.9 to Milepost 518.9 in Sioux City, Iowa.

Any interested person may file written comments and evidence on the application with the Surface Transportation Board. Written comments and evidence are due on March 11, 2005, and comments should indicate the proceeding, STB Finance Docket No. 34667, and should be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. The original and ten copies of all comments and evidence shall be filed with the Board. A copy of each comment and evidence shall also be served upon BNSF's representatives: Adrian L. Steel, Jr., Esq., Mayer, Brown, Rowe & Maw LLP, 1909 K Street, NW, Washington, DC 20006, (202) 263-3237, FAX number (202) 263-5237; and Sarah W. Bailiff, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131, (817) 352-2354, FAX number (817) 352-2397.

A copy of the application is available for public inspection at the offices of the Surface Transportation Board and the applicant, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131.

(February 23)

Public Notice

SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 34667

RAIL CARRIER: BNSF Railway
Company

AGENCY: Surface Transportation
Board

ACTION: Notice of Filing of a
Railroad Application to Acquire and
Operate Certain Rail Lines in South
Dakota and Iowa

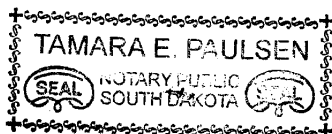
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Dakota; from Milepost 293.1 near
Canton, South Dakota to Milepost
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the applicant, BNSF Railway Company,
2500 Lou Menk Drive, Fort Worth, TX
76131.

Dated: February 18, 2005

2-24



Printer's Affidavit of Publication

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)

)SS

COUNTY OF McCOOK)

TROY SCHWANS of said County and State, being first duly sworn on
his oath, says THE SALEM SPECIAL is a weekly newspaper of
general circulation, printed and published in Salem, McCook County
and State of South Dakota, and has been such newspaper during the
times hereinafter mentioned; that the said newspaper is a legal
newspaper, that it has a bonafide circulation of more than 200 copies
weekly, that it has been published within said County of McCook for
more than fifty-two successive weeks prior to the publication of the
notice hereinafter mentioned and has been printed during said period
and at the present time, in whole in an office maintained at said
place of publication; and that I, the undersigned, am publisher or
employee of said newspaper, in charge of the advertising department
thereof, and have personal knowledge of all facts in this affidavit;

that the advertisement headed

..... BNSF Railway

..... Docket 34667

a printed copy of which is hereto attached, was printed and published
in the newspaper for . . . weeks; that said notice was published in
the issues of said paper on the dates as follows, to wit:

The first publication being made on

..... Feb 24, 2005.

the second publication on, 20

the third publication on, 20

the fourth publication on, 20

the fifth publication on, 20

the sixth publication on, 20

and the last publication on, 20

that \$2464 . being the full amount of the fees for publication of the
annexed notice, insures solely to the benefit of the publisher of the
said newspaper; that no agreement or understanding for a division
thereof has been made with any person; and that no part thereof has
been agreed to be paid to any person whomsoever.

..... Troy Schwan

Subscribed and sworn to before me this 3rd

day of March, 2005.

..... Tamara E. Paulsen

Notary Public, McCook County

My commission expires 08-09-08

Public Notice

**SURFACE TRANSPORTATION
BOARD**

FINANCE DOCKET NO. 34667

**RAIL CARRIER: BNSF Railway
Company**

**AGENCY: Surface Transportation
Board**

ACTION: Notice of Filing of a
Railroad Application to Acquire and
Operate Certain Rail Lines in South
Dakota and Iowa

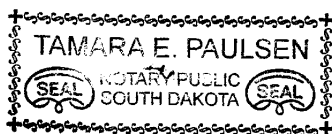
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the applicant, BNSF Railway Company,
2500 Lou Menk Drive, Fort Worth, TX
76131.

Dated: February 18, 2005

2-24



Printer's Affidavit of Publication

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)

)SS

COUNTY OF McCOOK)

TROY SCHWANS of said County and State, being first duly sworn on
his oath, says THE BRIDGEWATER TRIBUNE is a weekly
newspaper of general circulation, printed and published in
Bridgewater, McCook County and State of South Dakota, and has
been such newspaper during the times hereinafter mentioned; that
the said newspaper is a legal newspaper, that it has a bonafide
circulation of more than 200 copies weekly, that it has been
published within said County of McCook for more than fifty-two
successive weeks prior to the publication of the notice hereinafter
mentioned and has been printed during said period and at the
present time, in whole in an office maintained at said place of
publication; and that I, the undersigned, am publisher or employee of
said newspaper, in charge of the advertising department thereof, and
have personal knowledge of all facts in this affidavit;

that the advertisement headed

*BNSF Railway
Docket 34667*

a printed copy of which is hereto attached, was printed and published
in the newspaper for 1 weeks; that said notice was published in
the issues of said paper on the dates as follows, to wit:

The first publication being made on

Feb. 24, 20 05.

the second publication on, 20

the third publication on, 20

the fourth publication on, 20

the fifth publication on, 20

the sixth publication on, 20

and the last publication on, 20

that \$2464 being the full amount of the fees for publication of the
annexed notice, insures solely to the benefit of the publisher of the
said newspaper; that no agreement or understanding for a division
thereof has been made with any person; and that no part thereof has
been agreed to be paid to any person whomsoever.

Subscribed and sworn to before me this *3rd*

day of *March*, 20 05.

Tamara E. Paulsen

Notary Public, *McCook*, County

My commission expires *08-09-08*

AFFIDAVIT OF PUBLICATION-

Customer Number: **078200**
 Invoice Number: **806753**

Sarah Whitley Bailiff

Argus Leader
AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

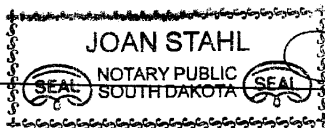
COUNTY OF MINNEHAHA } ss

Betty Jones being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

Wednesday, the 23 day of February 2005 ,
 _____, the _____ day of _____ 2005 ,
 _____, the _____ day of _____ 2005 ,
 _____, the _____ day of _____ 2005 ,
 _____, the _____ day of _____ 2005 ,
 _____, the _____ day of _____ 2005 ,
 _____, the _____ day of _____ 2005 ,

and that \$56.39 was charged for publishing the same including a \$5.00 affidavit fee.

Betty Jones
 Subscribed and sworn to before me 2/23/2005



Joan Stahl
 Notary Public, South Dakota

My Commission expires June 30, 2005

Miscellaneous

**SURFACE
 TRANSPORTATION BOARD
 FINANCE DOCKET
 NO. 34667**

**RAIL CARRIER: BNSF Rail-
 way Company
 AGENCY: Surface Transpor-
 tation Board**

**ACTION: Notice of Filing of a
 Railroad Application to Acquire
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 iff, BNSF Railway Company,
 2500 Lou Menk Drive, Fort
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 2354, FAX number (817) 352-
 2397.

A copy of the application is
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 pany, 2500 Lou Menk Drive,
 Fort Worth, TX 76131.

Dated: February 18, 2005
 806753 Feb. 23, 2005